

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
W/S Gracewood Drive, 170 ft. S
of c/j Graces Quarters Road
12548 Gracewood Drive
15th Election District
5th Councilmanic District
Fred A. Diehl, III, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-9-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a window to tract boundary a distance of 16 ft., in lieu of the required 35 ft.; a variance from Section V.B.6.b of the Comprehensive Manual of Development Policy (CMDP) to allow a window to property line a distance of 2 ft. in lieu of the required 15 ft.; and to amend the last approved Final Development Plan of Section One, Heritage. All as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management must submit recommendations which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

As of the date hereof, these recommendations have not been submitted and the Department of Environmental Protection and Resource Management has requested an extension to complete their study. This extension has been approved and the granting of the variance herein shall be conditioned upon the receipt of, and compliance with, those recommendations.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

-2-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 2nd day of August, 1993, that the Petition for a Zoning Variance from Section 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a window to tract boundary a distance of 16 ft., in lieu of the required 35 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section V.B.6.b of the Comprehensive Manual of Development Policy (CMDP) to allow a window to property line a distance of 2 ft., in lieu of the required 15 ft., and to amend the last approved Final Development Plan of Section One, Heritage, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

-3-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 3, 1993

Mr. and Mrs. Fred A. Diehl III
12548 Gracewood Drive
Baltimore, Maryland 21220

RE: Petition for Administrative Zoning Variance
Case No. 94-9-A
Property: 12548 Gracewood Drive

Dear Mr. and Mrs. Diehl:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 15th Date of Posting: 7/16/93
Posted for: Variance
Petitioner: Fred A. Diehl III & Beth C. Diehl
Location of property: 12548 Gracewood Drive, 170' S. of Gr. Quarters Rd.
Location of Sign: Posting on S.W. corner of property of Petitioner
Remarks: _____
Posted by: L. E. Schmidt Date of return: 7/23/93
Number of Signs: 1

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 12548 Gracewood

Drive, Election District 15, Councilmanic District 5.

Beginning at a point on the West side of Gracewood Drive, which is 50 feet wide at a distance of 170 feet South of the centerline of the nearest improved intersecting street Graces Quarters Road which is 70 feet wide. Being Lot #1, Block B, Section One in the subdivision of Heritage as recorded in Baltimore County Plat Book #E.H.K. JR 42, Folio #121, containing approximately 5,580 square feet (.128 Acres).

#14
94-9-A

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12548 GRACEWOOD DRIVE
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.2, V.B.6.b (1971) to allow window to tract boundary a distance of 15' in lieu of the required 35' and V.B.6.b CMDP to allow a window to property line a distance of 2' in lieu of the required 15' and to amend the last approved FDP.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

ADDITIONAL LIVING SPACE REQUIRED AND NO OTHER PRACTICAL LOCATION EXISTS FOR CONSTRUCTION OF THIS ROOM.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser's Name: _____
(Type or Print Name)
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Name: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Phone No.: _____
Name: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Phone No.: _____

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertisement, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

RECEIVED BY: off/cm DATE: 7/1/93

ITEM #: 14

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) here competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at: 12548 GRACEWOOD DRIVE
BALTIMORE MD 21220

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: personal knowledge or personal affidavit

I WISH TO CONSTRUCT A SINGLE STORY, FRAME-CONSTRUCTION ROOM ON AN EXISTING CONCRETE SLAB PATIO. PORCEP FOOTINGS ADDED. THE WEST WALL OF THIS ROOM WILL BE 16' FROM THE PROPERTY LINE. THIS WALL WILL HAVE A WINDOW IN IT. THERE IS NO OTHER WAY TO CONSTRUCT THIS ADDITIONAL LIVING SPACE OTHER THAN ITS PRESENT, UNIMPROVED LOCATION.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reprinting and advertising fee and may be required to provide additional information.

Fred A. Diehl III Beth C. Diehl
Fred A. Diehl III Beth C. Diehl

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of JULY, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as each Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: 1-04-94

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-4150

Number: #14

Taken by: off/cm

Date: 7/6/93

Fred & Beth Diehl III 12548 Gracewood Dr.

#101 - Administrative Variance -- \$50.00

#080 - Designation -- \$35.00

\$85.00

01A01H031BHCRC

\$65.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

July 26, 1993

(410) 887-3353

Mr. and Mrs. Fred A. Diehl III
12548 Gracewood Drive
Baltimore MD 21220

RE: Item No. 14, Case No. 94-9-A
Petitioner: Fred A. Diehl III, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Diehl:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 8, 1993, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: July 26, 1993
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: *14 (JRF)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teleypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro 1-800-492-5862 Statewide Toll Free
107 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Zoning Advisory Committee
FROM: Captain Jerry Pfeiffer, Inc.
SUBJECT: July 26, 1993 Meeting

DATE: July 16, 1993

- #8 No Comments
#9 No Comments
#11 No Comments
#12 Buildings shall comply with the 1991 Life Safety Code. Fire hydrant locations need to be shown.
#13 Building shall comply with the 1991 Life Safety Code.
#14 No Comments
#15 No Comments
#16 No Comments

RECEIVED

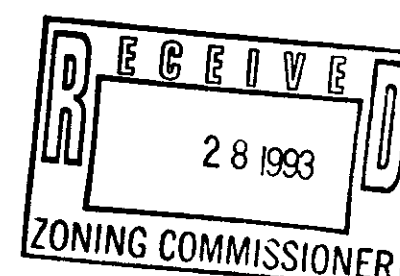
JUL 28 1993

ZADM

Helene Kehring

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Lawrence Schmidt
Zoning Commissioner
FROM: Mr. J. James Dieter
SUBJECT: Petition for Zoning Setback Variance
Zoning Item 14



SITE LOCATION

The subject property is located at 12548 Gracewood Drive. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Fred A. Diehl III and Beth C. Diehl

APPLICANT'S PROPOSAL

The applicant has requested a variance from Section 1801.2.C2 BCZR to allow a window to tract boundary distance of 16 ft. in lieu of the required 35 ft. and V86b CNDP to allow a window to property line distance of 2 ft. in lieu of the required 15 ft. for construction of a proposed 12 ft. x 14 ft. residential addition.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Mr. Lawrence Schmidt
July 28, 1993
Page 2

REGULATIONS AND FINDINGS

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into drywells or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

CONCLUSION

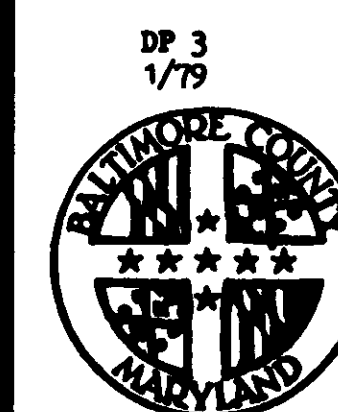
The zoning petition shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area regulations and findings listed above. Upon compliance with these regulations and findings, this project will be approved. If there are any questions, please contact Ms. Patricia Farr at 887-3980.

JJD:GES:tm

Attachment

cc: Fred and Beth Diehl
12548 Gracewood Drive
Baltimore, Maryland 21220

GREEN/MQBCA



Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

BUILDING PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204	
PROJECT NO. 18-00-005413	DATE ISSUED 7-2-94
BUILDING ADDRESS 12548 GRACEWOOD DRIVE	OWNER'S NAME FRED AND BETH DIEHL
BUILDING ADDRESS OF OWNER 12548 GRACEWOOD DRIVE, BALTO., MD. 21220	DATE 7-2-94
TRADING	DATE 7-2-94
BUILDING CONTRACTOR SECURITY BUILDERS, INC., 6660 SECURITY BLVD., BALTO., MD. 21207	ENGINEER OR ARCHITECT N/A
TRANSPORTATION DESCRIPTION W/S GRACEWOOD DR. S. W. CORNER QUARTERS ROAD	
TYPE OF IMPROVEMENT 1. NEW BUILDING CONSTRUCTION 2. ADDITION 3. ALTERATION 4. REPAIR 5. WIDENING ENTER NO UNITS DEDUCTED 6. WIDENING 7. OTHER	
C. TYPE OF USE NON-RESIDENTIAL 1. BUSINESS, RECREATION, PLACE OF ASSEMBLY 2. CHURCH, OTHER RELIGIOUS BUILDING 3. FENCE LINE/STREET 4. INDUSTRIAL/STORAGE BUILDING 5. PARKING GARAGE 6. SERVICE STATION, REPAIR GARAGE 7. HOSPITAL, INSTITUTIONAL, NURSING HOME 8. OFFICE, BANK, PROFESSIONAL 9. PUBLIC UTILITY 10. SCHOOL, COLLEGE, OTHER EDUCATIONAL 11. SHOP 12. STORE 13. RESTAURANT 14. SWIMMING POOL AND HEALTH DEPT. APPR. REQ. 15. TANK, TOWER 16. TRANSIENT HOTEL, MOTEL AND UNITS 17. OTHER	
OWNERSHIP 1. PRIVATELY OWNED 2. PUBLICLY OWNED	
ESTIMATED COST OF MATERIALS & LABOR 13,000	
ESTIMATED COST OF LABOR 8,000	

THIS PERMIT MUST BE POSTED
SEE OTHER SIDE FOR INSPECTIONS

7/2/94 #14
94.9.4

(410) 887-3353

July 15, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Fred A. Diehl, II and Beth C. Diehl
2548 Gracewood Drive
Baltimore, Maryland 21220

Re: CASE NUMBER: 94-9-A (Iter 14)
12548 Gracewood Drive
W/S Gracewood Drive, 170' S of c/l Graces Quarters Road
15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 18, 1993. The closing date (August 2, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) deem that the matter be set for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS
ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER
WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Bill Jallen

Arnold Jablon
Director



Printed on Recycled Paper

Plot to accompany Petition for Zoning Special Handling

PROPERTY ADDRESS: 12548 GRACEWOOD DRIVE
see pages 2 & 6 of the CHECKLIST for additional required information

Subdivision name: HERITAGE

plat book: 12, folios 121, 122, 123 section: ONE

OWNER: FRED & RETH DIEHL

94-9-A

GRACES QUARTERS ROAD
 70' R/W
 20' PAVED

*SIDE YARD SETBACK REQUESTED 2'

EIS & SONS
 (T11M0110M)
 15-1518000670
 ZONED BL-CNS

PROPOSED
 12' x 14' x 13' H
 SLAB ON GRADE
 ROOM ADDITION

EXISTING
 BUILDING
 20' x H

10' EASEMENT
 (DRAIN
 UTILITY)

GRACEWOOD DRIVE

CHESAPEAKE
 AVE.

VICTORY MAP
 scale: 1"=1000'

LOCATION INFORMATION

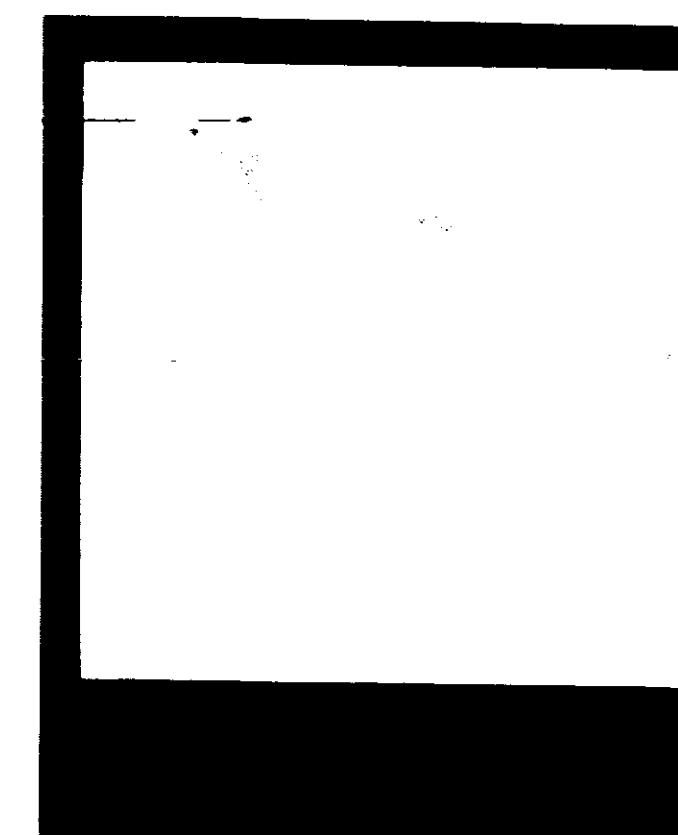
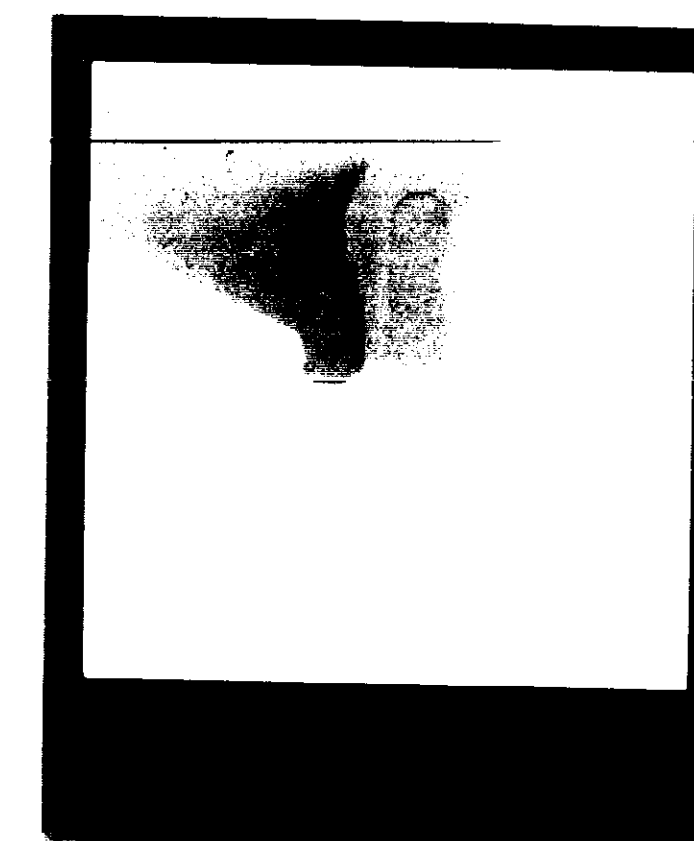
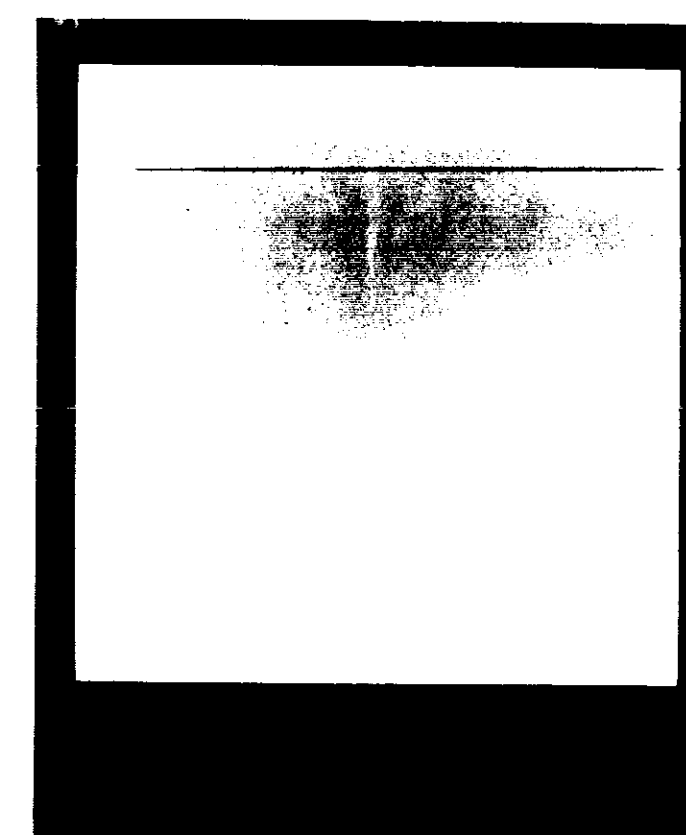
Election District: 15
 Councilman's District: 5
 Zoning: DR 5.5
 Lot size: 128 5,580
 acres square feet

SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☒ ☐
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
 reviewed by: JPC/m ITEM #: 14
 CASE#:

Photo

Item # 14
94-9-A





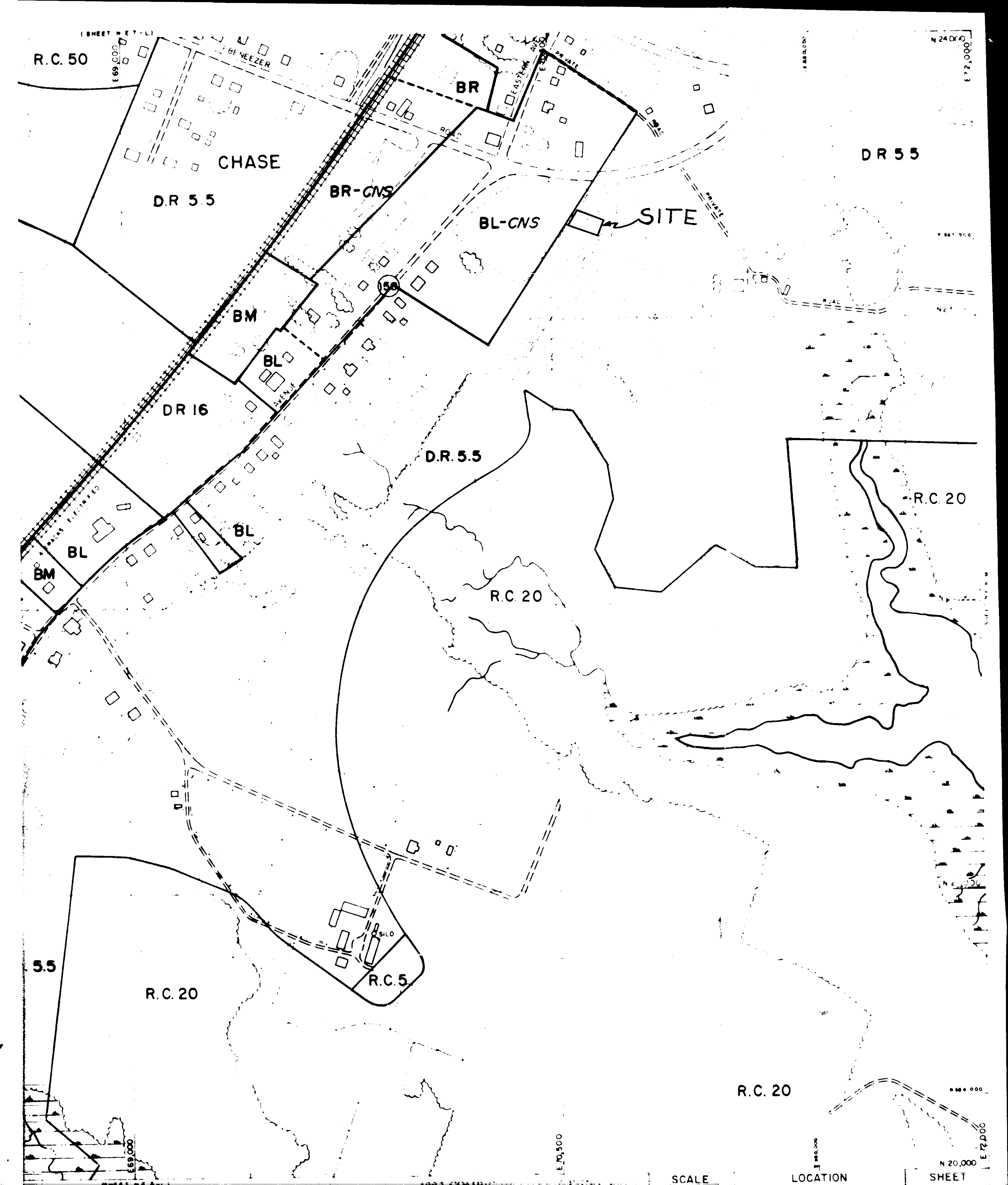
BALTIMORE COUNTY PLANNING AND ZONING AERIAL PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	CHASE #14	NE 6-L
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

94-9-A

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP



1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 1, 1992
Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
William A. Howard
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	CHASE	NE 6-L
DATE OF PHOTOGRAPHY JANUARY 1986		

#14